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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,403	03/05/2001	Thulasiraman Jeyaraman	SUN1P806/P5418	2707

22434 7590 12/02/2005

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2145

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/800,403

Applicant(s)

JEYARAMAN ET AL.

Examiner

Thomas Duong

Art Unit

2145

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1-2, 4-6, 25-26, 28, 35-36, 38-40, and 51-53.  
Claim(s) withdrawn from consideration: None.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see attached sheets.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Response to Argument*

1. The Applicants' arguments and amendments filed on October 24, 2005 have been fully considered, but they are not persuasive.

2. With regard to claims 1, 25, and 35, the Applicants argue that,

- *In any event, whatever communication between module 52A and 59A, this is not a "transaction" at all. Rather, the communication between module 52A and 59A is merely a transfer of a request to initiate a protected conversation.*

However, the Examiner finds that the Applicants' arguments are not persuasive because it can be interpreted that a request for communication of any kind is the initiation to start a communication or transaction between the two separate entities.

3. With regard to claims 1, 25, and 35, the Applicants argue that,

- *Claim 3 (which has been canceled by this amendment, and whose language has been incorporated into claim 1) recites, essentially, that "the transaction" is initiated as both a local transaction and a global transaction.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Coleman discloses when the application desires "to do additional work under the same work unit Y (Decision Block 940) e.g. to make changes to data in other resources" (Coleman, col.21, lines 33-35). Hence, Coleman anticipates making changes in other resources (e.g. global transactions) after initiating a local

transaction or local work unit. According to Coleman, “a ‘work unit’ is the scope of resources that are directly accessible by one application and participate in a common syncpoint” (Coleman, col.19, lines 23-2) and that “the work unit identifications are unique with in each execution environment. The application uses the same work unit for multiple, related work requests and different work units for unrelated work requests. A ‘logical unit of work’ identifier is a globally unique (network wide) identifier for all resources that are involved in related work requests and encompasses all the related work requests” (Coleman, col.19, lines 44-51). Hence, a work unit may include a change on the local resource and changes on the global resources also.

4. With regard to claims 1, 25, and 35, the Applicants argue that,

- *Merely completing a global transaction does not mean that it was lazily determined whether to initiate the global transaction.*

However, the Examiner finds that the Applicants’ arguments are not persuasive because Applicants already claimed in the independent that the global transaction will execute after the initiation of the local transaction and that both are completed using a last resource 2-phase commit optimization method. If so claimed, it does not make sense that dependent *claim 5* then claims “*lazily determining whether to initiate the global transaction*” or not. Without more, the Applicants’ contention is insufficient to support the argument.

5. With regard to claims 1, 25, and 35, the Applicants argue that,

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- *However, the Examiner has not addressed the specific language in these claims that is unique to these claims. In particular, these claims have been drafted to emphasize the “without knowledge” aspect of initiating the transaction as a local transaction.*

However, the Examiner finds that the Applicants’ arguments are not persuasive because Coleman states “after the application has completed all its work, it will attempt to either commit or back out the data at the resources” (Coleman, col.33, lines 7-9). Hence, Coleman suggests an aspect of appropriateness since it is possible for the transaction to be committed, if appropriate, or back out, if not appropriate.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-5, 25-26, 35-36, 38, and 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Coleman et al. (US005261089A).
5. With regard to claims 1, 25, 35, and 51-53, Coleman discloses,

- *receiving a request to start the transaction;* (Coleman, col.2, lines 3-4; col.4, lines 63-68; col.5, lines 53-56; col.74, lines 37-38; col.19, line 10 – col.20, line 38; col.31, line 48 – col.33, line 6)

Coleman teaches of a method for executing an application program that first receives a work request from the application program. Coleman states *“application 56 (fig.2) makes a work request to a resource (step 612 of fig.14)”* (Coleman, col.32, lines 29-31) and *“after the initial registration of a resource, subsequent work requests made by the application against that resource may change state of the resource”* (Coleman, col32, lines 48-50).

- *storing information which indicates that the request to start the transaction was received;* (Coleman, col.41, lines 5-18; col.74, lines 38-42; col.19, line 10 – col.20, line 38; col.31, line 48 – col.33, line 6)

Coleman teaches of a method for executing an application program that stores an identification and information corresponding to the work requested in the form of logging for error recovery purposes. Coleman states *“when these changes occur, the resource adapter must inform the sync point manager about these changes, and the registration information is updated to reflect the new state”* (Coleman, col.32, lines 52-55).

- *accessing a first resource manager associated with the transaction;* (Coleman, col.10, lines 23-28; col.11, lines 32-44; col.13, lines 57-64; col.19, lines 23-37; col.20, lines 17-23; col.23, lines 37-47; col.19, line 10 – col.20, line 38; col.31, line 48 – col.33, line 6)

Coleman teaches of a method for executing an application program that accesses resource manager associated with the transaction and initiates the

*transaction as a local transaction on the resource manager. Coleman states "since the protected conversation adapter represents a communication path to another application execution environment, which may involve a plurality of resources" (Coleman, col.32, lines 61-64) and "therefore, the presence of a communication path to another application execution environment requires the two-phase commit procedure, to provide the necessary protection of the critical resources" (Coleman, col.32, line 67 - col.33, line 3)*

- *initiating the transaction as a local transaction on the first resource manager without first determine whether the transaction is appropriate to be a local transaction; and (Coleman, col.10, lines 23-28; col.11, lines 32-44; col.13, lines 57-64; col.19, lines 23-37; col.20, lines 17-23; col.23, lines 37-47; col.19, line 10 – col.20, line 38; col.21, lines 32-67; col.31, line 48 – col.33, line 6)*

Coleman discloses when the application desires *"to do additional work under the same work unit Y (Decision Block 940) e.g. to make changes to data in other resources"* (Coleman, col.21, lines 33-35). Hence, Coleman anticipates making changes in other resources (e.g. global transactions) after initiating a local transaction or local work unit. According to Coleman, *"a 'work unit' is the scope of resources that are directly accessible by one application and participate in a common syncpoint"* (Coleman, col.19, lines 23-2) and that *"the work unit identifications are unique with in each execution environment. The application uses the same work unit for multiple, related work requests and different work units for unrelated work requests. A 'logical unit of work' identifier is a globally unique (network wide) identifier for all resources that are involved in related work requests and encompasses all the related work requests"* (Coleman, col.19, lines

44-51). Hence, a work unit may include a change on the local resource and changes on the global resources also.

- *completing the transaction.* (Coleman, col.14, line 54 – col.15, line 5; col.16, lines 21-28; col.33, lines 7-19; col.19, line 10 – col.20, line 38; col.21, lines 32-67; col.31, line 48 – col.33, line 6)

Coleman teaches of a completion step in the method for executing an application program that accesses resource manager associated with the transaction and initiates the transaction as a local transaction on the resource manager.

- *wherein the method further including:*
  - *initiating a global transaction after initiating the transaction as the local transaction; and* (Coleman, col.10, lines 23-28; col.11, lines 32-44; col.13, lines 57-64; col.19, line 23 - col.20, line 38; col.23, lines 37-47; col.31, line 48 – col.32, line 47; col.19, line 10 – col.20, line 38; col.21, lines 32-67; col.31, line 48 – col.33, line 6)

Coleman teaches of a method for executing an application program that accesses resource manager associated with the transaction and initiates the transaction as a local transaction as well as a global transaction on the resource manager.

- *completing both the local transaction and the global transaction substantially atomically using a last resource 2-phase commit optimization.* (Coleman, col.14, line 54 – col.15, line 5; col.16, lines 21-28; col.31, line 48 – col.32, line 47; col.33, lines 7-19; col.19, line 10 – col.20, line 38; col.21, lines 32-67; col.31, line 48 – col.33, line 6)



Coleman teaches of a completion step in the method for executing an application program that includes both local and global transactions using a last resource 2-phase commit optimization.

6. With regard to claims 2, 26 and 36, Coleman discloses,

- *wherein completing the transaction includes using a local transaction mechanism of the first resource manager.* (Coleman, col.14, line 54 – col.15, line 5; col.16, lines 21-28; col.33, lines 7-19)

Coleman teaches of a completion step in the method for executing an application program that accesses resource manager associated with the transaction and initiates the transaction as a local transaction on the resource manager.

7. With regard to claims 4 and 38, Coleman discloses,

- *completing both the local transaction and the global transaction substantially atomically includes using the local transaction as a last resource in the last resource 2-phase commit optimization.* (Coleman, col.14, line 54 – col.15, line 5; col.16, lines 21-28; col.31, line 48 – col.32, line 47; col.33, lines 7-19)

Coleman teaches of a completion step in the method for executing an application program that includes both local and global transactions using a last resource 2-phase commit optimization.

8. With regard to claims 5 and 39, Coleman discloses,

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- *further including lazily determining whether to initiate the global transaction.*

(Coleman, col.14, line 54 – col.15, line 5; col.16, lines 21-28; col.31, line 48 – col.32, line 47; col.33, lines 7-19)

Coleman teaches of a completion step in the method for executing an application program that includes both local and global transactions using a last resource 2-phase commit optimization.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman (US005261089A) and in view of McKeehan et al. (US006061708A).

11. With regard to claims 6, 28 and 40, Coleman discloses,

See *claims 1, 25 and 35* rejection as detailed above.

However, Coleman does not explicitly disclose,

- *wherein the enterprise environment is a Java 2 Enterprise Environment and receiving the request to start the transaction includes receiving the request from a component associated with the Java 2 Enterprise Environment.*

McKeehan teaches,

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- *wherein the enterprise environment is a Java 2 Enterprise Environment and receiving the request to start the transaction includes receiving the request from a component associated with the Java 2 Enterprise Environment.* (McKeehan, col.6, line 59 – col.7, line 9; col.9, line 55 – col.10, line 6; col.11, lines 47-67)  
Coleman teaches of a mechanism for supporting a single-phase, two-phase, or mixed-phase in a distributed object oriented transaction computing environment. Furthermore, McKeehan teaches of implementing the mechanism using the well-known Java language.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of McKeehan with the teachings of Coleman to enable the processing of transaction in a distributed object oriented transaction computing environment using the well-known Java language.



**ZARNI MAUNG**

**SUPERVISORY PATENT EXAMINER**